REMARKS

Claims 1-12 are pending in the application.

Claims 10-12 were withdrawn from consideration.

Claims 1-9 are rejected.

Rejections Under 35 USC 102

Claims 1-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2,808,916 to Johnson in view of USPN 3,732,934 to Brandenburg. Applicant traverses the rejection under Johnson in view of Brandenburg by pointing out the Office has not met its burden of establishing a prima facia case of obviouness because each and every element of the claim is not taught by the combination. The Applicant discussed the shortcomings of the combined teaching of the references during a phone interview with the examiner on May 2, 2006.

The rejection should be withdrawn because Johnson '916 patent does not teach, or suggest, each and every element of independent claim 1. Claim 1 includes three separate and distinct valves, each in fluid communication with each other.

The examiner rejects claim 1 based on the following reasoning:

> *With regard to claim 1, Johnson discloses a control device comprising a pressure regulator (valve casing 76)* ***comprising a valve (72)****, and configured to limit a maximum pressure provided to the motor (10); a torque limiting timing device (16)* ***comprising at least one valve (72)****, configured to shut-off fluid flow to a motor (10) at a predetermined time (col. 4, lines 54-55; col. 5, lines 13-20); a reservoir (56) in fluid communication with the pressure regulator;* ***and a valve (72)*** *which adjusts the reservoir, and controls the pressure and torque limiting timing device.* (Emphasis added)

The claim requires there to be three valves in fluid communication with each other, whereas the Johnson application only teaches a "valve (72)," which it is repeated for use as each element. A single "valve (72)" can not be in communication with itself, nor could it be considered to teach three distinct valves. The examiner acknowledges that Johnson does not disclose a torque limiting timing device being in fluid communication with a pressure regulator.

The Brandenburg '934 patent is combined with the Johnson '916 patent in an attempt to address the deficiencies of fluid communication between the valves, but fails to address the reason for the lack of communication between the valves in the '916 patent, their failure to exist. The examiner argues that the reference teaches the following in the rejection:

> *Brandenberg teaches a work control mechanism as shown in Figure 1 including a torque limiting timing device (col. 4, line 31)* ***being in fluid communication with a pressure regulator (valve 28)*** *for turning off fluid supply to the motor (col. 4, line 56).* (emphasis added)

However, upon close examination of the '934 patent there is no fluid communication with the "valve 28." The '934 patent teaches the operation of valve 28 as follows:

> *The signal relationship at valve 28 due to pressure signals is similar to that described for the signal relationship for the second valve means 40. That is, the signals or forces which are the product of pressure and area acting on a diaphragm 64 are effectively summed algebraically. The force acting through conduit 60 via a chamber 66 is the product of the pressure in that conduit and the surface area of the diaphragm 64 exposed in chamber 66. The force through segment 18 of the* ***fluid flow line acting against diaphragm 64*** *via chamber 68 is determined by the pressure in segment 18 and the area of the diaphragm surface 64 in the chamber 68. When the force effected through chamber 66 exceeds that effected through 68,* ***the diaphragm 64 closes the first valve***

means 28 by engaging a seat 70. This turns off the fluid supply to the motor 10 *(opens the circuit) and thus effectively stops operation of the motor 10.* (emphasis added)

The '934 patent teaches that *"diaphragm 64 closes the first valve means 28*"and therefore the diaphragm is what closes the valve. Therefore, the timing mechanism is NOT in fluid communication as required by applicants claim 1. The second valve means 40 of the '934 patent is also in mechanical communication with a diaphragm. The '934 patent teaches a variable restrictor in communication with a diaphragm that mechanically closes a valve to shut of the motor. The fluid communication required by the claimed invention is not taught by the '934 patent because there is no direct fluid communication, but a fluid/mechanical combination.

The '916 patent as discussed above fails to teach the required valve elements of the claimed invention. The '934 patent also fails to teach the required elements in fluid communication with each other. The combination of the teachings of the '916 patent and the '934 patent fails to address the deficiencies of the valves and their requirement of being in fluid communication with each other. Thus, in light of the enclosed arguments, the rejection of claim 1 should be withdrawn and the claim allowed. In that claims 2-9 depend from independent claim 1, they too should be allowed.

CONCLUSION

Based on the preceding arguments, Applicant respectfully submits that claims 1-9 and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes anything further would be helpful to place the application in better condition for allowance, Applicant invites Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 19-0513.

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Respectfully submitted,

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